

**C. REMARKS/ARGUMENTS****1. Interview dated January 12, 2006**

This substitute amendment was prepared after an interview with Examiner Del Sole, which took place on January 12, 2006. Applicant thanks the Examiner for granting the interview, and for his suggestions for claim amendments.

This substitute amendment is intended to substitute for the amendment and response that was filed on December 27, 2005.

**2. Allowable Subject Matter**

Applicant notes with appreciation that claims 12-17 have been allowed.

Applicant notes with appreciation that claim 4 (depending on claim 1) has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has not rewritten claim 4 in independent form, in the belief that independent claim 1 is allowable, as discussed below.

**3. Rejection of Claims 1, 3, and 6-11 Under 35 U.S.C. § 102(b)**

Claims 1, 3 and 6-11 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Pat. No. 5,059,266 to Yamane ("Yamane"). Applicant respectfully traverses.

In response to the Examiner's rejection above, Applicant has amended claim 1, to add additional limitations directed to the following: 1) first, second, and third valves, that are configured to regulate extrusion by the first, second, and third nozzles, respectively, are added; 2) the valve controller is programmed to control the valves so that a specific sequence of extrusion steps are carried out by the first, second, and third nozzles, during a first, second, and third time period, is added; and 3) the limitation that the material being extruded be construction material that hardens into a rigid structure after extrusion from the first, second, or third nozzle.

Amended claim 1 is set forth below:

1. (currently amended) A multi-nozzle assembly comprising:  
a first nozzle configured to extrude a first material through a first outlet;  
a second nozzle configured to extrude the first material through a second outlet;

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a third nozzle configured to extrude a second material different from the first material through a third outlet, the third outlet being between the first and second outlets;

a first valve configured to regulate flow of the first material to the first nozzle;

a second valve configured to regulate flow of the first material to the second nozzle;

a third valve configured to regulate flow of the second material to the third nozzle; and

a valve controller in communication with the first, second, and third valves, and programmed to control the first, second, and third valves so that during a first time period, extrusion of the first material by the first and second nozzles is allowed while extrusion of the second material by the third nozzle is not allowed, then during a second time period, no extrusion by any of the first, second, and third nozzles is allowed, then during a third time period extrusion of the first material by the first and second nozzles, as well as extrusion of the second material by the third nozzle, are allowed;

wherein the first material and the second material comprise construction material that hardens into a rigid structure after extrusion from the first, second, or third nozzle.

No new material is added by the amendment above. Support for these amendments can be found throughout Applicant's specification, as described below.

Applicant submits that claim 1, as currently amended, is not anticipated by Yamane. Yamane teaches ink jet heads, which spray ink. In particular, Yamane teaches the jetting of photosetting resin by ink jet heads, to print a matrix of dots to create various colors. The ink jet heads taught by Yamane certainly cannot extrude construction material that hardens after extrusion, as recited in claim 1 as currently amended.

More specifically, Yamane does not anticipate amended claim 1, because Yamane does not teach or suggest at least the following limitations of amended claim 1:

a first valve configured to regulate flow of the first material to the first nozzle;

a second valve configured to regulate flow of the first material to the second nozzle;

a third valve configured to regulate flow of the second material to the third nozzle;

a valve controller in communication with the first, second, and third valves, and programmed to control the first, second, and third valves so that during a first time period, extrusion of the first material by the first and second nozzles is allowed while extrusion of the second material by the third nozzle is not allowed, then during a second time period, no extrusion by any of the first, second, and third nozzles is allowed, then during a third time period extrusion of the first material by the first and second nozzles, as well as extrusion of the second material by the third nozzle, are allowed; and

the first material and the second material comprise construction material that hardens into a rigid structure after extrusion from the first, second, or third nozzle.

a) Added limitations directed to the first, second, and third valves

In Applicant's present application, the flow of material to each nozzle can be regulated by a respective valve, as described e.g. in paragraph [0076] set forth below:

- Support in the specification for the first, second and third valves:

"[0076] . . . A servo motor 1025 may be used to control an internal gate valve (not shown) that is used to regulate the flow of material to the exterior nozzle 1003. Similarly, a servo motor 1023 may be used to control an internal gate valve (not shown) that is used to regulate the flow of material to the interior nozzle 1007. The flow of material to the central nozzle 1011 may also be regulated in a similar or different manner."

No such internal gate valves are taught or suggested in Yamane that regulates flow of construction material to any nozzle.

b) Added limitations (functional) directed to the manner in which the valve controller controls the first, second, and third valves; explanation of why functional limitations are entitled to weight just like structural limitations

These valves are controlled by the valve controller in such a way that, when the nozzle assembly makes a first pass during a first time period, material is extruded only through a first (interior) and a second (exterior) nozzle, while no material may be extruded through a third (central) nozzle. This causes two rim layers to be extruded during the first pass, namely an exterior rim layer and an interior rim layer of material. During a second time period, these rim layers are left to cure and harden. During this time, no extrusion occurs by any nozzle. Then, during a third time period, a second layer of rim material is extruded on top of the hardened rim layers, by the first and second nozzles. This may result in a second interior rim layer to be extruded on top of the first (hardened) interior rim layer, and a second exterior rim layer to be extruded on top of the first (hardened) exterior rim layer. At the same time, a filler layer is

extruded between the first (hardened) interior and exterior rim layers, that are underneath the second interior and exterior rim layers. The nozzle assembly repeats this sequence of steps, until the height of the wall reaches the needed level.

- Support in the specification for the above-described sequence of extrusion acts:

The above is described, e.g., in Applicant's specification, paragraphs [0060], [0061], [0062], [0063], and [0065]:

[0060] *As shown in FIG. 4(a), a first layer of a wall 403 may be extruded by moving the nozzle assembly 301 in a horizontal direction and by extruding material only through the exterior nozzle 303 and the interior nozzle 305. During this pass, no material may be extruded from the central nozzle 307. [description of the "first time period" recited in amended claim 1]*

[0061] *This approach may cause an exterior rim layer 405 and an interior rim layer 407 of material to be extruded. . . .*

[0062] *The rim layers may then be left to cure and thus harden. . . . [description of the "second time period" recited in amended claim 1]*

[0063] *As shown in FIG. 4(b) another rim layer may be extruded on top of the rim layer that has hardened. This may consist of a second exterior rim 413 being extruded on top of the first exterior rim 405 and a second interior rim 415 being extruded on top of the first interior rim 407. A first filler layer 411 may also be extruded between the first rim layers 405 and 407 by extruding material from the central nozzle 307 at the same time that the second rim layers 413 and 415 are being extruded. . . . [description of the "third time period" in amended claim 1]*

[0065] *The process may be repeated until the height of the wall 403 reaches the needed level. . . . After the last needed rim layers are extruded, the next pass may extrude only a filler layer, thus completing the wall structure.*

No such valve controller (which is described in Applicant's specification as being, e.g., a servo motor) is disclosed in Yamane that controls the first, second, and third valves in the manner described above, so as to extrude construction material in the manner described above, so that construction can be automatized.

Fig 12, #s 111, 112, 133, 114, 115, and col. 6, line 56 of Yamane, which were referenced in the Office Action as support for the proposition that Yamane teaches a

valve controller configured to regulate extrusion by the nozzles in the manner recited in claim 1, do not teach or suggest the above-described valves or valve controller.

Rather, Fig 12 #s 111, 112, 133, 114, 115 of Yamane relate to computer control units for manipulating data, and to various motion controllers:

- Fig 12 # 111 is *"a control unit 111 comprising a host computer for forming a three-dimensional model and slicing the model into data of plural thin sectional parts."* Yamane Col. 6, lines 9-12.
- Fig 12 # 112 is *"a drive control unit 112 for receiving data of the sectional parts from the control unit 111 and controlling various elements for performing a forming process in accordance with the data."* Yamane Col. 6, lines 12-15.
- Fig 12 # 113 is *"an X, Y-axes control device 113 for controlling a movement of the ink jet heads 116 to 118 in the X- and Y-directions"* Yamane Col. 6, lines 15-17.
- Fig 12 # 114 is *"a rotational movement control device 114 for controlling a rotational movement of the ink jet heads 119 to 121 around the forming stage 131."* Yamane Col. 6, lines 17-20.
- Fig 12 # 115 is *"a Z-axis control device 115 for controlling a movement of the forming stage 131 in the Z-direction."* Yamane Col. 6, lines 20-22.

Col. 6, line 56 of Yamane states: *"the two arrays, and then on of the photosetting resins,"* and also does not relate to a valve controller that regulates extrusion by nozzles in the manner recited in claim 1.

Applicant also responds to the following comment in the Office Action dated September 26, 2005: *"while the exact method of control may or may not be taught, such method limitations have no weight - - instead the control structure is taught that enables the device to be capable of the claimed control."*

Applicant respectfully traverses, and submits that the limitations in claim 1 that recite how the valve controller regulates extrusion by the first, second, and third nozzles, are functional limitations, which do have weight, and must be evaluated and considered, just like any other limitation of the claim. Although functional limitations define something by what it does, rather than by what it is as evidenced by its specific structure, functional limitations have just as much weight as structural limitations, and are entitled to the same evaluation and consideration as any other type of limitation: See e.g. MPEP 2173.05(g):

Functional Limitations: (boldface in original)

*A functional limitation is an attempt to define something by what it does, rather than by what it is (e.g., as evidenced by its specific structure . . . ). There is nothing inherently wrong with defining some part of an invention in functional terms. . . .*

*A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. A functional limitation is often used in association with an element, ingredient, or step of a process to define a particular capability or purpose that is served by the recited element, ingredient or step. (boldface added).*

As set forth e.g. in MPEP 2173.05(g) reproduced above, functional limitations (such as the limitation in claim 1 directed to the function of the valve controller) do have weight, and must be considered just like any other limitation.

Applicant submits that the functional limitation in Applicant's claim 1, directed to how the valve controller controls the valves so that extrusion by the first, second, and third nozzles takes place in accordance with a well-defined sequence, is neither taught nor suggested in Yamane, thus providing another reason why Applicant's amended claim 1 is not anticipated by Yamane.

c) Added limitation directed to extrusion of construction material that hardens after extrusion

- Support in the specification for the limitation directed to construction material that hardens after extrusion:

[0054] The material . . . may have characteristics that cause the material to harden into a solid after extrusion.

[0062] The rim layers may then be left to cure and thus harden. . . .

[0063] . . . The filler may be of a much stronger material, such as cement.

Finally, Applicant submits that nowhere in Yamane is there any teaching or suggestion of a multi-nozzle assembly that is configured to extrude construction material through first, second, and third nozzles, where the construction material hardens into a rigid structure after extrusion from the first, second, or third nozzle. Such a multi-nozzle assembly, if used with the apparatus taught and suggested in Yamane, would render the Yamane apparatus inoperable for its intended purpose.

Yamane is directed to a field entirely different from construction, and discloses ink jet heads that spray ink/photosetting, and that cannot be used to extrude construction material that hardens after extrusion.

For all of the reasons above, Applicant respectfully submits that Yamane does not teach or suggest at least the above-discussed limitations in claim 1 directed to the first, second, and third valves, to the valve controller that controls the first, second, and third valves, and to nozzles that extrude construction material that hardens after extrusion.

Because Yamane fails to teach or suggest all the limitations of claim 1, Yamane does not anticipate the invention as recited in claim 1. Applicant respectfully submits that claim 1 is allowable.

#### Claims 3, 6-11

Claims 3 and 6-11 depend on claim 1, and therefore include all the limitations of amended claim 1. For all the reasons discussed above, claim 1 is not anticipated under 35 U.S.C. § 102 (b) by the Yamane document. It follows that claims 3 and 6-11 (all depending from amended claim 1) also are not anticipated by Yamane under 35 U.S.C. §102(b).

#### 4. Rejection of Claims 2 and 5 Under 35 U.S.C. § 103(a)

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamane. Applicant respectfully traverses.

As known, "[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03; In re Fine, 837 F.2d 1071, 2 USPQ2d 1596 (Fed. Cir. 1988).

Claims 2 and 5 all depend on claim 1, and therefore include all the limitations of claim 1. For all the reasons discussed in section 2 above, claim 1 is nonobvious under 35 U.S.C. 103 over Yamane. Accordingly, it follows that claims 2 and 5 (all depending from claim 1) are also nonobvious under 35 U.S.C. 103 over Yamane.

Applicant respectfully submits that claims 2 and 5 are allowable.

#### 5. Rejections of Claims 18-23 Under 35 U.S.C. § 102(b) over Moore, Melnick, Bangma, and Winter

Claims 18-23 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Pat. No. 6,170,220 to Moore ("Moore"). Claims 18-23 also stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Pat. No. 5,664,382 to

Melnick ("Melnick"). Claims 18-23 also stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Pat. No. 5,749,196 to Bangma ("Bangma"). Claims 18-23 also stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Pat. No. 4,833,855 to Winter ("Winter"). Applicant respectfully traverses these rejections of claims 18-23, in view of Applicant's amendment of independent claim 18, discussed below.

### CLAIM 18

In response to the above rejections, Applicant has amended independent claim 18. In particular, claim 18 has been amended to recite that each rim spans substantially the entire length of the wall, and that each rim includes a plurality of homogeneous, unbroken, and separately discernable layers of a rim material, each rim layer in physical contact with one another other and stacked on top of one another in a vertical plane so that each rim layer is elevated in height with respect to a previously stacked rim layer. Claim 18 has also been amended to remove the limitation that the filler material is different from the rim material, because such a limitation is already included in claim 19.

### Amended Claim 18

Independent claim 18, as currently amended, is reproduced below:

A wall comprising:

a set of spaced apart rims, wherein each rim spans substantially the entire length of the wall, and wherein each rim includes:

a plurality of homogeneous, unbroken, and separately discernable layers of a rim material, each rim layer in contact with one another other and stacked on top of one another in a vertical plane so that each rim layer is elevated in height with respect to a previously stacked rim layer; and

a filler between the rims, the filler including a plurality of separate layers of a filler material.

No new material is introduced by these amendments to claim 18. Support for these amendments can be found throughout Applicant's specification, including but not limited to:

- Support for limitation directed to rims each of which span substantially the entire length of the wall:  
FIG.s 4C, 5, 6, 7, and 9 all illustrate a set of spaced apart rims, each of which span



substantially the entire length of the wall.

- Support for limitations directed to a plurality of homogeneous, unbroken, and separately discernable layers of a rim material:

- Paragraphs [0049], [0051], [0054], [0055], and [0063] of Applicant's present specification state that each rim layer is formed by the extrusion of a layer of a liquid or quasi -liquid material from an inlet of a nozzle, that the material delivered to the inlet may have characteristics that cause the material to harden into a solid after extrusion, that layers of different thickness may be extruded, and that the next rim layer is extruded on top of that rim layer after that rim layer has hardened. These paragraphs support a recitation of rim layers that are homogeneous, unbroken, and separately discernable:

- FIG.s 4A, 4B, 4C, 9, and 14 all illustrate the rim layers as being homogeneous, unbroken, and separately discernable layers.

- Support for limitations directed to a plurality of layers of a rim material in physical contact with one another and stacked on top of one another in a vertical plane so that each rim layer is elevated in height with respect to a previously stacked rim layers is provided in Applicant's specification at least as follows:

1) Paragraphs [0063] and [0065] state that a subsequent rim layer is extruded on top of a previously extruded layer, after the previously extruded layer has hardened, until a desired height is reached:

*[0063] . . . another rim layer may be extruded on top of the rim layer that has hardened. This may consist of a second exterior rim 413 being extruded on top of the first exterior rim 405 and a second interior rim 415 being extruded on top of the first interior rim 407. . . .*  
*[0065] This process may be repeated until the height of the wall 403 reaches the needed level. . . .*

2) Paragraphs [0052] and [0055] state that the nozzle assembly is elevated after each horizontal pass, each time being elevated in height by approximately the thickness of each extruded layer.

*[0052] . . . The height of the trowel 107 may be adjusted to correspond to the height of the extruded layer 203. By making the height of the trowel 107 adjustable, layers of different thickness may be extruded. . . .*  
*[0055] . . . the nozzle assembly 101 may be moved horizontally in a back-and-forth motion, each time being elevated in height by approximately the thickness of each extruded layer. . . .*

3) FIG.s 4A, 4B, 4C, 9, and 14 illustrate a plurality of rim layers in physical contact with one another and stacked on top of one another in a vertical plane so that each rim layer is elevated in height with respect to a previously stacked rim layer.

#### Moore

Applicant submits that the Moore document does not teach or suggest what is recited in Applicant's claim 18, as currently amended. At least the following limitations of claim 18, as currently amended, cannot be found in the Moore document: each rim spans substantially the entire length of the wall, and each rim includes a plurality of homogeneous, unbroken layers of a rim material, each layer in physical contact with one another other and stacked on top of one another in a vertical plane so that each layer is elevated in height with respect to a previously stacked layer.

Moore does not teach the above. In particular, Moore does not teach or suggest a set of spaced apart rims, where each rim spans substantially the entire length of the wall and includes a plurality of homogeneous, unbroken, and separately discernable rim layers.

Applicant further that, to the extent that each side panel 20 may be viewed as a separate rim layer, it is clear from the figures in Moore, e.g. FIG. 1, that in Moore, each rim do not span substantially the entire length of the wall, but rather constitute one of many blocks that together span the entire length of the wall.

For these reasons, Applicant respectfully submits that, by making the above-described amendments to claim 18, the Examiner's rejection of claim 18 in view of Moore has been overcome.

For all of these reasons, Moore fails to teach or suggest all the limitations of claim 18, as currently amended, and therefore does not anticipate the invention as recited in amended claim 18. Applicant respectfully submits that amended claim 18 is now allowable over Moore.

#### Melnick

Applicant submits that at least the following limitation of claim 18, as currently amended, cannot be found in the Melnick document: each rim spans substantially the entire length of the wall, and each rim includes a plurality of homogeneous, unbroken, and separately discernable layers of a rim material, each rim layer in physical contact with one another other and stacked on top of one another in a vertical plane so that each rim layer is elevated in height with respect to a previously stacked layer.

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In contrast to Applicant's claim 18, Melnick teaches a plurality of individual foam blocks that are interconnected to form a wall structure. These blocks do not form a plurality of unbroken rim layers, which are included in a set of spaced apart rims that each span substantially the entire length of the wall.

The following references were made in the Office Action: "*Melnick et al teach a wall (Fig 1, #10 including concrete within) having a set of spaced apart rims (Fig 1, #12, #12' and #12''), a plurality of separate layers of a rim material, stacked on top on one another (Fig 1, #s 12, 12' and 12'')*".

Applicant submits that *Fig 1, #s 12, 12' and 12''* do not show any rims that *each* span substantially the entire length of the wall, and that each includes a plurality of homogeneous, unbroken layers of a rim material, each layer in physical contact with one another other.

To the extent that Fig 1 #12, #12' and #12'' of Melnick may be considered as showing separate layers of a rim material, it is clear from Fig 1, and from the supporting descriptions, that such layers are not in physical contact with one another other, but rather separated from each other by vertical connectors 40 and 70. See e.g. Melnick Col. 4, lines 43-44 ("*. . . Vertical connectors 40 rest between successive vertical layers of blocks. . . .*") and Col. 5, lines 19-20 ("*. . . The first vertical connector 40 rests between and connects successive vertical layers of the wall 12', 12'', 12''' . . .*")

Further, it is also clear from Fig 1 and from supporting descriptions that such layers 12', 12'', 12''' are neither homogenous nor unbroken, but rather that each layer 12' and/or 12'' and/or 12''' are broken up into individual foam blocks, each including first and second panels 22, the panels 22 having core members 24 affixed thereto. Therefore, elements 12'12'' and 12''' are very different from the homogeneous unbroken layers recited in claim 18, which are described in Applicant's specification as being formed by sequential extrusion of layers of a fluid / semi-fluid material, each of which harden into a solid after extrusion.

Finally, it is also clear from Fig 1 and supporting descriptions that the layers 12', 12'', 12''' do not form a rim that spans substantially the entire length of a wall.

For all of these reasons, Melnick fails to teach or suggest all the limitations of amended claim 18, and therefore does not anticipate the invention as recited in amended claim 18. Applicant respectfully submits that amended claim 18 is allowable over Melnick.

**Bangma**

The Examiner stated: "Claims 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bangma (5,749,196)." Applicant respectfully traverses.

Applicant submits that the Bangma document does not teach or suggest what is recited in Applicant's claim 18, as currently amended. At least the following limitations of amended claim 18 cannot be found in the Bangma document: a set of spaced apart rims, wherein each rim spans substantially the entire length of the wall, and each rim includes a plurality of homogeneous, unbroken layers of a rim material.

Bangma does not teach the above. Instead, Bangma teaches a building structure (e.g. wall) erected using rectangular construction elements that each includes two plate-like side parts that are mutually connected to each other by a connecting part.

In particular, Applicant notes that Fig 2 of Bangma does not show any set of spaced apart rims, each of which spans substantially the entire length of the wall.

Applicant also notes that Fig 2 of Bangma does not show any plurality of homogeneous, unbroken layers of a rim material. Rather, Fig 2 of Bangma shows, and is described as showing, a plurality of construction elements, each including two plate-like side parts that are mutually connected by a connecting part. The portion of the connecting part extending above side parts is described as protruding between the side parts of the construction element located thereabove.

See e.g. Bangma document, Abstract ("*The invention relates to a building structure of a number of construction elements each comprising two plate-like side parts (2) which are mutually connected at a distance parallel to each other by at least one connecting part . . .*"); Col. 2, lines 32-52 ("*The construction element according to the invention shown in FIG. 1 comprises two plate-like side parts 2 which are mutually connected at a distance parallel to each other by a connecting part 3. . .*"); Col. 2, lines 47-52 ("*FIG. 2 shows a building structure 10 in the form of a wall erected with construction elements 1 . . . the portion of the connecting part 3 extending above side parts 2 protrudes between the side parts of the construction element located thereabove . . .*")

From the description above, and from the figures of Bangma, Applicant submits that Fig 2 (or any other figure) of Bangma fails to show a set of rims each of which spans substantially the entire length of the wall, and also fails to show a plurality of homogeneous, unbroken layers of a rim material.

To the extent that Fig 2 of Bangma can be viewed as showing a plurality of layers, Applicant submits that the layers shown in Bangma are not homogeneous, unbroken layers (as would result from extrusion of a layer of fluid / semi-fluid material that is cured to harden), but rather that each "layer" is broken up into distinct rectangular construction elements, each element including plate-like side parts and a protruding connecting part.

For all of these reasons, Bangma fails to teach or suggest all the limitations of amended claim 18, and therefore does not anticipate the invention as recited in amended claim 18. Applicant respectfully submits that amended claim 18 is allowable over Bangma.

### Winter

The Examiner stated: "Claims 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Winter IV (4,833,855)." Applicant respectfully traverses.

Applicant submits that Winter does not teach or suggest at least the following limitation of claim 18, as currently amended: a set of spaced apart rims, wherein each rim spans substantially the entire length of the wall, and each rim includes a plurality of homogeneous, unbroken, and separately discernable layers of a rim material, each layer in physical contact with one another other and stacked on top of one another in a vertical plane so that each layer is elevated in height with respect to a previously stacked layer.

Instead, Winter teaches a prefabricated panel that has joints on the vertical edges thereof, so that the panels can be glued together at the edges to form a wall.

*See e.g., Winter, Col. 3, lines 56-58 ("FIGS. 1 and 2 illustrates a prefabricated panel 10 showing the captured scarf joint 30 used to join two panels together to form a wall. . . ")*

In particular, Applicant notes that Fig 3 of Winter (referred to by the Examiner in the Office Action) does not show any set of spaced apart rims, each of which spans substantially the entire length of the wall.

Applicant further notes that Fig 3 of Winter does not show any plurality of homogeneous, unbroken layers of a rim material, each layer in physical contact with each other and stacked on top of one another. Rather, Fig 3 of Winter shows, and is described as showing, disjoint prefabricated panels which can be joined to each other at the edges to form a wall.

To the extent that Fig 3 of Winter may be viewed as showing a plurality of layers of a rim material, it is clear that Fig 3 of Winter does not show homogeneous, unbroken layers stacked on top of one another. Rather, any

"layer" made of the prefabricated panels 10 would be broken up into distinct prefabricate panels, each panel including vertical and horizontal edges 16, 18, and 20, each panel further including inner and outer skins 22 and 24, and an insulative core 12 having flat opposing surfaces. See e.g. Winter Col. 3 line 58 - Col. 4 line 7 ( . . . a prefabricate panel 10 . . . has an insulative core 12 which core 12 has substantially flat opposed surfaces 14 . . . . On one of the flat surfaces 14 is an outer skin 24 which is material such as plywood. . . The other flat surface 14 has an inner skin 22 which may be gypsum board . . . . The panel is . . . fabricated . . . with vertical edges 16 and 18 and two horizontal edges 20. . . . ).

From the description above, and from all the figures and supporting descriptions in Winter, Applicant submits that any layers shown in Winter are clearly not homogeneous, unbroken layers (as would result from extrusion of a layer of fluid / semi-fluid material that is cured to harden), but rather that any layer in Winter is broken up into distinct prefabricated panels, each panel including a core with outer and inner skins, each panel including vertical and horizontal edges.

For all of these reasons, Winter fails to teach or suggest all the limitations of amended claim 18, and therefore does not anticipate the invention as recited in amended claim 18. Applicant respectfully submits that amended claim 18 is allowable over Winter.

#### CLAIMS 19-23

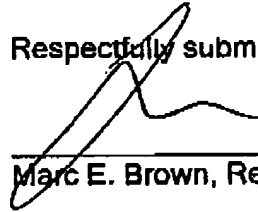
Claims 19-23 depend on claim 18, and therefore include all the limitations of claim 18. For all the reasons discussed above, neither the Moore document, nor the Melnick document, nor the Bangma document, nor the Winter document anticipates amended claim 18 under 35 U.S.C. § 102 (b). It follows that claims 19-23 (all depending from claim 18) also are not anticipated by Moore or Melnick or Bangma or Winter under 35 U.S.C. §102(b), at least because they depend from an allowable claim.

Applicant submits that claims 19-23, which now depend from amended claim 18, are allowable.

**CONCLUSION**

On the basis of the foregoing amendments, Applicant respectfully submits that all of the pending claims 1-23, including 1-11 and 18-23 as well as allowed claims 12-17, are now in condition for allowance. An early and favorable action is therefore earnestly solicited.

Respectfully submitted,



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